

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Caroline Quick, individually and as Personal	)	Civil Action No.: 4:14-cv-4712-RBH
Representative of the Estate of AMQ, a minor,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Francis Acaylar, individually and as an employee/	)	
agent of CareSouth Carolina, Inc.; CareSouth	)	
Carolina, Inc.; Roy Parnell, individually and as an	)	
employee/agent of Marlboro Drug Co. Inc.;	)	
Marlboro Drug Co. Inc.;	)	
	)	
Defendants.	)	
_____	)	

This case was removed to this Court on December 12, 2014. The Complaint named Roy Parnell and Marlboro Drug Co. Inc. as Defendants in addition to Francis Acaylar and CareSouth Carolina, Inc. The docket, however, reflects no activity and no proof of service with regard to Defendants Roy Parnell or Marlboro Drug Co. Inc.

The Federal Rules of Civil Procedure require a Plaintiff to file proof of service of a Defendant pursuant to Rule 4(l); however, as of the date of this Order, Plaintiff has not filed such. Pursuant to Rule 4(m) of the FRCP, service of the summons and complaint must be effected within 120 days after the filing of the Complaint, or for removal cases, within 120 days from the date of removal. *See* Fed. R. Civ. P. 4(m); Wallace v. Microsoft Corp., 596 F.3d 703, 706 (10<sup>th</sup> Cir. 2010). If Plaintiff fails to comply within such time limitation, the Court may on its own initiative dismiss the action against that defendant after notice to the Plaintiff. *See id.*; Local Rule 4.01 (D.S.C.).

Therefore, the Court hereby provides notice to the Plaintiff that it will dismiss this action as to Defendants Roy Parnell and Marlboro Drug Co. Inc., without prejudice, ten days from the date of this Order if proof of service has not been filed within that time.

**IT IS SO ORDERED.**

April 13, 2015

Florence, South Carolina

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge